

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESUS P. LOVATO,

Plaintiff,

v.

No. 17-CV-0544-RB-SMV

SAN JUAN COUNTY ADULT
DETENTION CENTER,

Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the Court *sua sponte*. On May 17, 2017, the Court granted Plaintiff Jesus P. Lovato's Application To Proceed In District Court Without Prepaying Fees or Costs pursuant to 28 U.S.C. § 1915 and ordered Plaintiff to submit an initial partial payment in the amount of \$11.87 or show cause why the payment should be excused. (Doc. 3.) After Plaintiff failed timely to submit the initial partial payment, the Court ordered Plaintiff to send to the Clerk of the Court, on or before August 7, 2017, "the previously ordered initial partial payment of \$11.87 or show cause why his civil rights complaint should not be dismissed." (Doc. 5.) The Court notified Plaintiff that "[f]ailure to submit the previously ordered initial partial payment of \$11.87, or show cause why Plaintiff's civil rights complaint should not be dismissed," by the August 7th deadline "may result in the dismissal of this action without prejudice without further notice." (*Id.* at 2.)

As of this date, Plaintiff has failed to submit the previously ordered initial partial payment of \$11.87, show cause why the payment should be excused, or otherwise respond to the Court's

orders. In light of Plaintiff's failure to pay the initial partial payment and to comply with the Court's orders, Plaintiff's civil rights complaint will be dismissed without prejudice and judgment will be entered. *See* Fed. R. Civ. P. 41(b) (providing for involuntary dismissal "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order"); *Cosby v. Meadors*, 351 F.3d 1324, 1327 (10th Cir. 2003) (holding that a prisoner's civil rights action may be dismissed for "failure to pay the filing fee required by § 1915(b)" or "failure to comply with [a court] order").

IT IS THEREFORE ORDERED that Plaintiff's civil rights complaint (Doc. 1) is DISMISSED without prejudice; and judgment will be entered.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE